



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 4.6.7	Subject: MEDICAL PAROLE
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 5 and Attachments
Section 6: Release/Placement	Effective Date: Mar. 11, 1996
Signature: /s/ Mike Batista, Director	Revised: 10/09/2015

I. POLICY

The Department of Corrections will assist the Board of Pardons and Parole in determining an offender's eligibility for medical parole before the Board considers an application for medical parole as provided in *Mont. Code Ann. § 46-23-210 (2013)*.

II. APPLICABILITY

All adult facilities and programs Department-owned and contracted as specified in contract.

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

BOPP – The Board of Pardons and Parole.

Clinical Services Division (CSD) – The division that oversees all medical, mental health, dental and vision services for all offenders in the custody of the Department in secure and contracted facilities.

Designated Health Authority – Regardless of local title, the individual at the facility or program level who is responsible for health services, as designated by the Responsible Health Authority.

IPPO – The institutional probation and parole officer.

Medical Director – The physician(s) designated by the Clinical Services Division administrator to oversee the health care of offenders under Department jurisdiction.

Medical Parolee – An offender who has been released on medical parole to community supervision by the Board of Pardons and Parole (BOPP).

Responsible Health Authority – The individual that arranges for all levels of health care and assures quality, accessible and timely health services for offenders. The individual is appointed by the Department director and reports directly to the director on matters of health care.

IV. DEPARTMENT DIRECTIVES

A. Eligibility Criteria

1. An offender is eligible for medical parole if:
 - a. the offender is incarcerated in a state prison or adult community corrections facility

Policy No. DOC 4.6.7	Chapter 4: Facility/Program Services	Page 2 of 5
Subject: MEDICAL PAROLE		

- or was sentenced to a state prison and is confined in a prerelease center;
- b. the offender is not under sentence of death or life imprisonment without possibility of parole;
- c. the offender is unlikely to pose a detriment to the victim or community;
- d. the offender has a medical condition requiring extensive medical attention or has been determined by a physician to have a medical condition that will likely cause death within 6 months or less; and
- e. the sentencing court has not restricted parole for the offender pursuant to *Mont. Code Ann. § 46-18-202* or if the sentencing court has restricted the offender's parole, the sentencing court has granted the offender approval for medical parole consideration.
 - 1) if the offender is under a parole restriction, the Institutional Probation and Parole Officer (IPPO) where the offender is incarcerated or confined, in consultation with medical staff, will send the [Court Approval/Denial](#) form to the sentencing judge and include a brief medical statement from Clinical Services Division staff.

B. Medical Parole Application

1. The IPPO or other Department representative, the offender, the offender's spouse, parent, grandparent, child, or sibling may apply for medical parole.
2. A person listed in section IV.B.1 must complete the [Medical Parole Application](#) in writing and submit it to the IPPO office at the facility where the offender is incarcerated or from which he or she was transferred.
3. The written application must include:
 - a. the reasons for the medical parole request;
 - b. the relationship of the offender to the requesting party;
 - c. a detailed description of the offender's proposed placement and medical care including the name, address and telephone number of the individual or facility official who has agreed to provide medical care to the offender;
 - d. a report of an examination and written diagnosis as specified in section IV.C of this policy;
 - e. a detailed explanation of how the offender's medical care will be financed;
 - f. an explanation of the proposed arrangements for transporting the offender to the caregiver or placement; and
 - g. a signed [Health Information Request to Release Records](#) form provided by the IPPO.
4. A [Medical Parole Application Routing](#) form will be used to track and ensure the medical parole application is returned to the IPPO at each stage of application process. Applications will be considered invalid if submitted to locations other than the IPPO's office.

C. Medical Documentation

1. A physician licensed in Montana must complete a thorough medical examination of the offender and sign the written [Medical Examination Report](#). This report must be attached to the Medical Parole Application Routing Form and returned to the IPPO's office.

Policy No. DOC 4.6.7	Chapter 4: Facility/Program Services	Page 3 of 5
Subject: MEDICAL PAROLE		

2. The Department may assist an offender in obtaining the appropriate medical documentation by arranging for a physician employed by the Department to complete the medical examination.
3. In the event that the offender, or the offender's spouse, parent, child, grandparent, or sibling requests a medical examination by a licensed physician who is not a Department employee, payment will be the responsibility of the offender or the requesting party.
4. The written diagnosis resulting from the examination must include:
 - a. determination that the offender suffers from a medical condition that requires extensive medical attention; or
 - b. that the offender has a medical condition that will likely cause death within six months or less; and
 - c. a description of the offender's medical condition, any diagnosis, and any physical incapacity;
 - d. a description of the medical attention required to treat the offender's medical condition;
 - e. a prognosis regarding:
 - 1) the offender's likelihood of recovery from the medical condition;
 - 2) the extent of any potential recovery; and
 - 3) if appropriate, whether the offender's medical condition will likely cause death within six months.

D. Placement Location

1. The Department must identify the offender's proposed location for medical parole.
2. Placement may be in a hospital, nursing home, hospice facility, family home, or other location or program.

E. Procedure

1. The IPPO will forward the application and supporting documents to the Department medical director or other Clinical Services Division (CSD) designee for review and a recommendation to accept or reject the application.
2. Following the CSD review, the IPPO will forward the application to the administrator for review. The administrator will consult with BOPP concerning past BOPP dispositions and review the application for sufficiency and safety or security concerns.
3. If the administrator determines the medical parole request does not meet the minimum requirements, he or she must provide the reasons for the disapproval in writing via the IPPO to the offender or the individual who requested the medical parole if different from the offender.
4. If the administrator determines the request meets the minimum requirements, he or she will forward the application, Medical Parole Application Routing Form and required attachments to the IPPO office at the facility where the offender is incarcerated or from which the offender was transferred.

Policy No. DOC 4.6.7	Chapter 4: Facility/Program Services	Page 4 of 5
Subject: MEDICAL PAROLE		

5. The IPPO, in consultation with the appropriate staff, will:
 - a. prepare or request the preparation of all pre-parole documents required by the BOPP; and
 - b. forward all pre-parole documents including the application and attachments and Medical Parole Application Routing Form to the BOPP.
6. Upon receipt of the application and attachments and Medical Parole Application Routing Form the BOPP will set a hearing date and notify the applicant.

F. Medical Parole Plan

1. If the BOPP approves the medical parole, a probation and parole (P&P) officer in the region in which the offender will reside will investigate the medical parole plan and send the findings to the BOPP and the designated health authority.
2. If the BOPP approves the medical parole plan, the offender must sign and accept the standard conditions of parole and any special conditions set by the BOPP including the specific placement ordered by the BOPP. The offender and the P&P officer assigned to supervise the offender must follow the parole sign up and supervision procedures.
3. If the BOPP rejects the offender's medical parole plan, the IPPO, in conjunction with the designated health authority or designee, will determine if the concerns identified by the investigating P&P officer and the BOPP can be addressed and the plan resubmitted to the BOPP for its approval.

G. Conditions of Medical Parole

1. The BOPP may require additional conditions for the offender including, but not limited to, periodic medical examinations and an updated prognosis. These procedures will be done at the parolee's expense. If the BOPP requires such examinations and prognosis, the examining physician will submit copies of the results to the BOPP and the designated health authority. The offender must sign a health information release form for all medical treatment received during the medical parole.

H. Consideration for Non-medical Parole

1. When a medical parolee is 60 days from his or her non-medical parole eligibility date, the appropriate records department supervisor will inform the BOPP and supervising P&P officer of the non-medical parole eligibility date.
2. Upon notification that the offender is being considered for non-medical parole status, the supervising P&P officer is responsible to provide the BOPP with all pre-parole documents, reports and recommendations.
3. Within its regular course of business, the BOPP will conduct a hearing to determine whether the offender should remain on medical parole status or be granted a non-medical parole.

I. Violations of Conditions of Medical Parole

1. If it is alleged that the offender has violated the conditions of medical parole, or that the

Policy No. DOC 4.6.7	Chapter 4: Facility/Program Services	Page 5 of 5
Subject: MEDICAL PAROLE		

offender's medical condition has improved to the extent that the offender no longer requires extensive medical attention or is likely to pose a detriment to the offender, victim, or community, the supervising P&P officer will submit in writing a report of violation to the BOPP with a copy of the report submitted to the designated health authority.

2. If the P&P officer submits a report of violation, the Department will follow its standard procedures for revocation of parole.

J. Medical Parole Denials

1. Decisions by the BOPP to deny medical paroles are final.

V. CLOSING

Questions concerning this policy should be directed to the appropriate administrator, Board of Pardons and Parole, or Department director.

VI. REFERENCES

- A. 46-18-202, MCA; 46-23-210, MCA; 46-23-1025, MCA
- B. 3-3198; ACA Standards Supplement, 2008; Adult P&P Services, 3rd Edition

VII. ATTACHMENTS

[Court Approval/Denial Form](#)
[Health Information Request to Release Records](#)
[Medical Examination Report](#)
[Medical Parole Application](#)
[Medical Parole Application Routing Form](#)